

01-28-08-Diaz .txt

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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SIRI DIAZ, CAROLYN SIEGEL, TALIA BUMB, BLERTA
VIKKI, DANIELLE OWIMRIN, on behalf of themselves
and others similarly situated,
Plaintiffs,

5

-against-

6

SCORES HOLDING COMPANY, INC.; GO WEST
ENTERTAINMENT, INC. a/k/a SCORES WEST SIDE, and
SCORES ENTERTAINMENT, INC., a/k/a SCORES EAST
SIDE

7

8

Defendants.

9

CIVIL ACTION NO.: 07 Civ. 8718(RMB)

10

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DRAFT COPY

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200 Park Avenue
New York, New York

13

14

January 28, 2008
10:10 a.m.

15

16

17

DEPOSITION of BLERTA VIKKI, a
non-party witness herein, pursuant to Notice,
before Ronald A. Marx, a Notary Public of the
State of New York.

18

19

20

21

22

23

ELLEN GRAUER COURT REPORTING, LLC
126 East 56th Street, Fifth Floor
New York, New York 10022
212-750-6434
REF: 86582

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A P P E A R A N C E S:

3

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5 Attorneys for Plaintiff
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7 New York, New York 10016
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22
23
24
25

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3

1
2 FEDERAL STIPULATIONS
3
4 IT IS HEREBY STIPULATED AND AGREED by
5 and between the attorneys for the respective
6 parties herein, that the sealing, filing, and
7 certification of the within deposition be
8 waived; that such deposition may be signed and

9 01-28-08-Diaz .txt
10 sworn to before any officer authorized to
11 administer an oath, with the same force and
12 effect as if signed and sworn to before the
13 officer before whom said deposition is taken.

14 IT IS FURTHER STIPULATED AND AGREED
15 that all objections, except as to form, are
16 reserved to the time of trial.

17 * * * *
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24
25

□

4

1
2 INDEX
3 -----TESTIMONY-----
4

5 (EXHIBITS RETAINED BY)
6
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13

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21 the next day and she was saying I better go over
22 with you tonight and when you come the next day
23 you know -- you know I explain to you all about
24 the club what you should do and stuff.

25 Q Okay. Now, before -- so you said you

19

1 Warning:Draft Copy

2 started you think about February, March of 2004
3 at the Scores East Club?

4 A No. West Club.

5 Q You started at the West Club?

6 A Yes.

7 Q So this discussion you had with
8 Robert was at the West Club?

9 A Yes.

10 Q I'm sorry.

11 A They just opened up the west side.

12 It was probably a month when they open up and I
13 just started there and they got the managers in
14 the east side that was working in the west side
15 to get us started.

16 Q Okay. So the discussion you had with
17 Robert and Lisa was in connection with you
18 working at the Scores West Club?

19 A Yes.

20 Q And you said that was in February or
21 March 2004?

22 A That's correct.

23 Q Okay. Now prior to working at Scores
24 West in February March of 2004, where did you
25 work prior to that?

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5 A what you mean?

6 Q Did she tell you when you would start
7 or what time?

8 A Yes. Oh, yes. She said, you know,
9 you can start tonight or tomorrow. And she said
10 before you start I'm going to give you audition,
11 you know, about the club, the rules and -- and I
12 didn't start that night because I didn't have,
13 you know, the dress with me and I didn't have
14 the money to pay because I had to pay for the
15 dress to go to work. Next day I start. I
16 bought the dress. I bought everything over
17 there before I started to work. She would
18 explain to me all the rules, you know everything
19 about the club.

20 Q Okay. So let me ask you. Where did
21 you buy the dress?

22 A At Scores.

23 Q You bought it at Scores. Did you
24 understand that you had to buy it from Scores?

25 A Yes.

□

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1 warning:Draft Copy

2 Q Or did you understand you could buy
3 it somewhere else?

4 A I had to buy from Scores because I
5 couldn't find the dress what they were looking
6 for anywhere else.

7 Q Did you have the money to buy the
8 dress?

9 A I took a -- you know, I took it from

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10 my account I mean.

11 Q So you had the money to buy the
12 dress?

13 A Yes.

14 Q Okay. And what else did you have to
15 purchase to work your first night?

16 A You mean what I should pay out or
17 what you mean by that?

18 Q Well, what did you have to buy to
19 wear?

20 A I had to pay for the dress. I had to
21 pay for high heels. I had to pay for underwear
22 I have to pay for garters.

23 Q Now is a garter different from the
24 underwear or is that the same thing?

25 A No. It's different from underwear.

□

42

1 warning:Draft Copy

2 Q So there was underwear and there's a
3 garter?

4 A Yes.

5 Q Okay. And you bought all of those
6 things from Scores?

7 A Yes.

8 Q Do you remember how much they were?

9 A I remember dress was \$180. I
10 remember. The high heels was \$80. And the
11 underwear was 40. And the garter 20.

12 Q And then once you purchased those
13 things did they belong to you?

14 A Yes.

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4 I couldn't find anywhere. Like they made their
5 own design, you know. It's --

6 Q Now, the high heels that you
7 purchased, could you wear those high heels
8 outside of work?

9 A To me, no, because I'm not
10 comfortable. I would not -- they would not look
11 good. Like personally I'm talking for myself.
12 I don't know for anybody else.

13 Q She weren't your personal taste in
14 high heels?

15 A No.

16 Q But you say somebody else could have
17 worn such a thing?

18 A Could be. I don't know about
19 somebody else.

20 Q What about the dresses? You said you
21 wouldn't wear those dresses outside?

22 A Nobody will wear those dresses out.

23 Q Nobody would wear those dresses?

24 A No. Completely not.

25 Q This is New York. Nobody would wear

□

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1 Warning:Draft Copy

2 those dresses out?

3 A Could be New York, but I don't think
4 those dresses would be -- no.

5 Q You don't think so.

6 A Yes. Thousand percent, no.

7 Q Now why did you ask to go from the
8 west side to the east side?

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9 A Why? I just -- I just want to switch
10 clubs, you know and -- I don't know. Just
11 feel -- I got -- not tired, but I just felt to
12 switch clubs and just wanted to change, to move.

13 Q Was there somebody that you wanted to
14 work with?

15 A No. Not really but I just -- not
16 feeling, you know, myself there. I just wanted
17 to move, you know.

18 Q Was it easier for you to get to the
19 east side club?

20 A It was easy to get because I was
21 taking the train you know from my house there.
22 It was easy than to the west side. I had to --
23 you know it's hard for me in the nighttime to
24 get back home.

25 Q Okay. Now, let me ask you that. How

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1 Warning:Draft Copy

2 did you get to -- when you worked on west side
3 how did you get there?

4 A By train and bus.

5 Q Where did you live? Where were you
6 living when you first started working?

7 A Brooklyn.

8 Q Where in Brooklyn?

9 A Bensonhurst. You want directly the
10 address?

11 Q What was your address when you first
12 started working there?

13 A I give you two addresses. I don't

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21 A For me and I would -- I never got the
22 tip. Almost three years I work over there I
23 never got a penny.

24 Q You got the \$500?

25 A Yes.

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1 Warning:Draft Copy

2 Q And how did you get the \$500?

3 A Funny money.

4 Q In was in funny money?

5 A Yes.

6 Q So that was all you received from the
7 customer?

8 A Yes.

9 Q Was the funny money?

10 A Yes.

11 Q Did you receive it all at once?

12 A Yes.

13 Q They would hand it to you before you
14 had to dance in the room?

15 A No. You would start dancing and you
16 would come with the funny money. The host will
17 come with the funny money after 10, 15 minutes,
18 20 minutes, 30 minutes but he will come.

19 Q The host would come into the room?

20 A Yes.

21 Q During -- while you were dancing --

22 A Yes.

23 Q -- the host would come into the room?

24 A Yes.

25 Q So you would get \$500 in funny money?

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1 Warning:Draft Copy

2 A Yes.

3 Q Did some customers give you money
4 over and above that money?

5 A (Indicating)

6 Q Did --

7 A No, because the customers always tip
8 me by credit card to the -- you know, and I
9 never got that money. They never give it to me.
10 You know, not me but to all the girls, you know.
11 And I never asked. But he was saying I left
12 your tip and if I would say you know to the
13 customers I don't get the tip, you know, I would
14 get a large trouble. If I was asking you know
15 if he tip with credit card where's my tip. I
16 get in trouble, like forget it. And always -- I
17 never -- I never asked them.

18 Q Okay. Let me go to the issue of the
19 house fee. Was the house fee always the same
20 amount of money?

21 A It was 180.

22 Q Always 180?

23 A Saturdays was I believe 160 or 140.

24 I don't remember. Because I --

25 Q Saturdays was less?

65

1 Warning:Draft Copy

2 A Yes -- no. Sundays. I'm sorry.

3 Sundays was something -- I don't remember. It's

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4 been awhile for me I didn't work over there and
5 it's changed, you know.

6 Q Let me ask you this. Was the house
7 fee always the same amount of money?

8 A I mean, six days a week was -- no.
9 I'm sorry. Mondays was 160. And rest of the
10 days and Sunday was same thing. Monday or
11 Sundays was probably 140, 160. Sometimes was --
12 Sunday was a little busy. I couldn't afford it.
13 I will pay probably \$80 because -- I mean I
14 couldn't, you know. I'm going minus, only I had
15 to work those days. I was.

16 Q When did you pay the house fee?

17 A To the house mom.

18 Q When though?

19 A When? End of the night.

20 Q The end of the night you paid the
21 house fee?

22 A Yes. I couldn't leave if I was not
23 paying the house fee. I had to pay.

24 Q Could you pay the house fee in funny
25 money?

□

66

1 warning:Draft Copy

2 A Yes.

3 Q Did you typically pay it with funny
4 money?

5 A Half and half. Whatever, you know.
6 Sometimes you know I didn't have funny money and
7 will pay cash and I would go home with zero.
8 Depends on the night. Or maybe I cashed funny

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9 money and I think maybe I'm going to take -- I'm
10 going to make funny money later. I never did
11 it. Was never busy and I had to pay with my
12 money the money I made the night before.

13 Q So you could end up with less money
14 than you started with?

15 A Oh yeah. Of course.

16 Q So you could actually loose money by
17 working a whole shift?

18 A Not one time. Some of the times.

19 Q Excuse me?

20 A It's -- yes. So many times that
21 happened.

22 Q That happened several times?

23 A Yes. Like sometimes -- I mean I will
24 go to the manager. I will say I can't -- I
25 can't pay. I'm not going to pay 180. You know,

□

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1 Warning:Draft Copy

2 pay 80 or you 90 a hundred or 60, you know,
3 because I couldn't afford it. I had to pay DJ
4 and I had to pay house mom and makeup parties.
5 I couldn't afford it.

6 Q So you could negotiate a lower house
7 fee if it was slow?

8 A Maybe two or three times.

9 Q Who did you negotiate that with?

10 A Not negotiate. I will ask you know
11 and if I didn't -- if -- I mean, I will say to
12 the managers, general manager.

13 Q So Robert?

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Warning:Draft Copy

1
2 A If you go on stage it's \$40. If you
3 don't want to keep on the stage it's a hundred
4 dollars. And if you on stage, it doesn't
5 matter. If you go all night on the stage I
6 mean, in the end when you going to go home, if
7 you go to the VIP room for two hours you still
8 have to pay him \$100. Doesn't matter if you --
9 if you went all night long on the stage. You
10 go more than two hours, two hours is enough. He
11 needs -- you have to pay him a hundred dollars.
12 Q You paid him less if you went on the
13 stage?
14 A 40. I will pay him 60 because you
15 know -- I would say I will -- he was -- I mean,
16 that's how he works for tips.
17 Q Now, so you would tip the DJ?
18 A Yes.
19 Q Now, did you ever tip the DJ to play
20 certain music that you wanted played?
21 A Sometimes, yes. Because he was
22 saying I don't have that song, you know. He
23 will play that kind of trick and I would say all
24 right. I'm going to tip you at the end. I'll
25 give you \$20.

□

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1 Warning:Draft Copy
2 Q And then he would have the music?
3 A Yes.
4 Q Or did you bring your own music?
5 A No. I never bring my own music. He

01-28-08-Diaz .txt

6 had you know.

7 MR. CAPOBIANCO: I'd like to
8 have this marked as Vikki Exhibit 1.
9 (^ Plaintiff's ^ Plaintiffs' ^
10 Defendant's ^ Defendants' Exhibit #,
11 description, was marked for
12 identification, as of this date.)

13 Q Now, Ms. Vikki, when you first went
14 to Scores to apply for the job, did you fill out
15 any paperwork at that time?

16 A I don't remember. I remember on east
17 side but I don't remember.

18 Q Now, this document that we marked as
19 Vikki Exhibit 1, is this in your handwriting?

20 A This one, yes.

21 Q Yes. And this address here, 928 59th
22 Street, was that one of your addresses?

23 A Yes. It's one of -- I used to live
24 with my aunt a long time. I just see I
25 remember. Since when I moved to New York. The

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1 Warning:Draft Copy

2 first address I had.

3 Q So this was the address you had when
4 you first moved to New York?

5 A Yes.

6 Q Okay.

7 A I'm sorry. I didn't -- I didn't
8 remember this address. It's been awhile.

9 Q How long did you live at that
10 address?

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1 warning:Draft Copy
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4 you first moved to New York?

5 A Yes.

6 Q Okay.

7 A I'm sorry. I didn't -- I didn't
8 remember this address. It's been awhile.

9 Q How long did you live at that
10 address?

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11 A About a month.
12 Q One month. So do you think was this
13 the application you filled out when you first
14 started?
15 A Because I put this address because my
16 aunt were not moving anywhere. That's why I put
17 the address. You know, it was like anything I
18 was -- for taxes, like 1099, this address was
19 changing. I would move, you know, get a
20 roommate. I went will be at a different
21 address. You know, that's why I put her address
22 down.
23 Q I see. So when you first came to New
24 York, you lived with your aunt for a month and
25 she lived at 928 59th Street --

□

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1 Warning:Draft Copy
2 A Correct.
3 Q Apartment six?
4 A That's right.
5 Q And where did you move after that?
6 A I moved -- I moved two or three -- I
7 move to 6412 but before that I moved to 6 -- I
8 don't remember. I moved for couple of months.
9 Six months I moved in Dyker Heights. I don't
10 remember the address.
11 Q Hold on for a second. Let's start
12 with the beginning. You lived with your aunt
13 for a month?
14 A Yes.
15 Q And then you moved to another place?

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11 A About a month.
12 Q One month. So do you think was this
13 the application you filled out when you first
14 started?
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12 with the beginning. You lived with your aunt
13 for a month?
14 A Yes.
15 Q And then you moved to another place?

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16 A Yes.
17 Q Did you live alone? were you living
18 with someone else?
19 A With my friend.
20 Q With your friend. which friend was
21 this?
22 A Friend. I shared the rent.
23 Q what's her name?
24 A what's her name? what's her name? I
25 don't remember. It's been...

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1 warning:Draft Copy
2 Q well. Here on the next page you list
3 a friend Elda. was this Elda?
4 A Elda, no. It's not that one. It's
5 different friend.
6 Q Okay. so how long did you live at
7 the place you lived at right after you lived
8 with your aunt?
9 A About four months.
10 Q Four months?
11 A And then I moved.
12 Q And do you remember where that was?
13 A Where? In Dyker Heights. was 77th
14 Street I believe was between ninth and 10th
15 Avenue but I don't remember.
16 Q Dyker Heights?
17 A Yes. Brooklyn.
18 Q That's a neighborhood?
19 A Yes. I don't remember exact.
20 Q So you lived there about four months?

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16 A Yes.
17 Q Did you live alone? Were you living
18 with someone else?
19 A With my friend.
20 Q With your friend. Which friend was
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- 21 A Yes.
- 22 Q This is where you moved after you
- 23 lived with your aunt?
- 24 A Yes.
- 25 Q And then after you lived with your

82

- 1 Warning:Draft Copy
- 2 friend for four months in Dyker heights where
- 3 did you move?
- 4 A I moved to 6412.
- 5 Q Okay?
- 6 A 20th Avenue.
- 7 Q 20th Avenue. And did you live there
- 8 by yourself?
- 9 A Yes.
- 10 Q And how long did live there?
- 11 A About approximately a year.
- 12 Q One year?
- 13 A Yes.
- 14 Q And then where did you move?
- 15 A I moved to 70th Street. 2025 70th --
- 16 I moved there for about couple of months. I
- 17 don't remember exact.
- 18 Q Couple of months?
- 19 A Yes. Could be, you know, until I
- 20 moved with high husband.
- 21 Q So where did you live -- how long did
- 22 you live -- you said you were there only a
- 23 couple of months at 70th Street?
- 24 A Could be more four months or three
- 25 months. I don't remember.

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21 A Yes.

22 Q This is where you moved after you
23 lived with your aunt?

24 A Yes.

25 Q And then after you lived with your

82

1 Warning:Draft Copy

2 friend for four months in Dyker heights where
3 did you move?

4 A I moved to 6412.

5 Q okay?

6 A 20th Avenue.

7 Q 20th Avenue. And did you live there
8 by yourself?

9 A Yes.

10 Q And how long did live there?

11 A About approximately a year.

12 Q One year?

13 A Yes.

14 Q And then where did you move?

15 A I moved to 70th Street. 2025 70th --
16 I moved there for about couple of months. I
17 don't remember exact.

18 Q Couple of months?

19 A Yes. Could be, you know, until I
20 moved with high husband.

21 Q So where did you live -- how long did
22 you live -- you said you were there only a
23 couple of months at 70th Street?

24 A Could be more four months or three
25 months. I don't remember.

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1 Warning:Draft Copy
2 Q Were you living by yourself there?
3 A I was living -- no. With cousin
4 could be. Related to me.
5 Q You were living with a cousin?
6 A Yes.
7 Q Did you move into his or her house?
8 A To her house.
9 Q You moved into her house?
10 A Yes.
11 Q And then where did you move?
12 A I moved -- and then Bay Ridge with my
13 fiance.
14 Q Okay.
15 A My house now.
16 Q What is his name?
17 A Kurt.
18 Q Kurt. Did you meet him at the club?
19 A No.
20 Q And what's that address?
21 A Where I used to live?
22 Q With Kurt. Where you moved after you
23 lived with your cousin.
24 A I moved to 1-74th Street.
25 Q One-74 --

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1 Warning:Draft Copy
2 A Street, apartment 1N. 1N, Brooklyn
3 New York 11 -- I do not remember the zip code.
4 Q Okay. And what -- how long did you
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1 Warning:Draft Copy
2 Q Were you living by yourself there?
3 A I was living -- no. With cousin
4 could be. Related to me.
5 Q You were living with a cousin?
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13 fiance.
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18 Q Kurt. Did you meet him at the club?
19 A No.
20 Q And what's that address?
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22 Q With Kurt. Where you moved after you
23 lived with your cousin.
24 A I moved to 1-74th Street.
25 Q One-74 --

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2 A Street, apartment 1N. 1N, Brooklyn
3 New York 11 -- I do not remember the zip code.
4 Q Okay. And what -- how long did you
Page 70

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5 live there?

6 A I lived there seven months. Yes.

7 Seven.

8 Q Seven months?

9 A Six, seven months I lived there.

10 Q Okay. And where did you move after
11 that?

12 A 3821 Laurel Avenue. We bought a
13 house.

14 Q 30 --

15 A 3821 Laurel Avenue.

16 Q Laurel?

17 A Yes.

18 Q Okay.

19 A Brooklyn, York 11224.

20 Q How long did you live there?

21 A We been living there since we bought
22 a house. It's our house.

23 Q When did you buy it?

24 A Last year and -- yes. Last year in
25 October 30th or 29th.

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1 warning:Draft Copy

2 Q Of 07 or 06?

3 A 06. I'm sorry. 06. It -- it's been
4 a year and 14 months we moved there.

5 Q So now, prior to living with your
6 aunt for that month, where did you live?

7 A I don't understand.

8 Q You said you lived with your aunt at
9 928 59th Street?

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6 with one of the -- you know the house mom told
7 me you can't work for no other club. If they
8 find out you're going to get fired.

9 Q The next one says, I will not receive
10 any employee benefits such as employee pension
11 plan, employee health plan, vacation pay, sick
12 pay or any other fringe benefit plan that may be
13 offered by Scores to its actual employees. Was
14 that true?

15 A I don't understand that question.

16 Q Well, did you receive any employee
17 benefits while you worked for Scores?

18 A I don't remember.

19 Q Well for example, when you went on
20 vacation, did you get vacation pay?

21 A No.

22 Q Number C says I will pay all my own
23 business expenses that I incur while performed
24 under this independent entertainer agreement.
25 Did you pay your business expenses when you

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1 Warning:Draft Copy

2 worked for Scores?

3 MS. GREENE: Objection.

4 A I don't understand that question.
5 Clarify the question please?

6 Q well, if you purchased dresses, did
7 you -- did you pay for the cost of the dress?

8 A Of course, yes.

9 Q when you took the bus who paid the
10 cost of the bus?

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11 A I paid.
12 Q When you took a taxi, who paid that
13 cost?
14 A I paid.
15 Q When you purchased makeup who paid
16 that cost?
17 A I paid.
18 Q Okay. And all of the outfits that
19 you wear there, who paid for those?
20 A I mean, I paid.
21 Q Okay. And did you ever have any
22 surgery for -- so that you would better in the
23 club?
24 A No.
25 Q Did some of the girls that you know

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2 ever have surgery?
3 A Yes.
4 Q who paid for that surgery?
5 A They pay.
6 Q Let's turn the page to D. I am
7 responsible for the payment of my own income
8 taxes. Let's just stop there. Was that true?
9 A what you mean? I pay all -- I don't
10 understand that.
11 Q well, did you pay your own -- did you
12 pay taxes from the money that you received from
13 scores when you cashed in your diamond dollars?
14 A I paid form 1099. Yes I did. End of
15 year I had to pay. I mean I had to do other

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5 dollars and receiving \$1,512 or a check for that
6 amount?

7 A No.

8 Q Now were the diamond dollars that you
9 used on the west side the same as the diamond
10 dollars on the east side?

11 A No. Different.

12 Q They were different. So do you
13 remember at the end of your Go West employment
14 that you -- when you -- after you left the West
15 Club do you remember going back one time to cash
16 in your diamond dollars, all the ones you had
17 left?

18 A No.

19 Q You don't remember doing that?

20 A No.

21 Q I mean, \$1,512 --

22 A I never cashed that amount.

23 Q You never --

24 A Cashed this kind of amount of money.

25 Q You never cashed that much money in?

□

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2 A No.

3 Q So this --

4 A I will remember if I did. But no.

5 Q Okay. So you're saying that this
6 doesn't reflect any money that you received or a
7 check that you received?

8 A No. I never had this form. I don't
9 know what's this is about.

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3 160 cash?

4 A Yes.

5 Q And that's what it was throughout
6 your employment?

7 A Yes.

8 Q The whole time you worked for scores?

9 A (Indicating).

10 Q Now if you look at the bottom of page
11 three of this cash disbursements journal do you
12 see that?

13 A Yes.

14 Q It says a diamond dollar pay-in of
15 \$1,170?

16 A Yes.

17 Q So do you remember receiving a check
18 for more than a thousand dollars for the diamond
19 dollars you cashed in?

20 A No, I don't. I don't remember.

21 Q If you look towards the top of the
22 page, it says diamond dollar payout of \$1,656.
23 Do you remember receiving a check that high?

24 A No.

25 Q For diamond dollars you paid --

□

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2 cashed in?

3 A No. I don't remember. They will not
4 cash more than a thousand. How I could get a
5 check for \$1,600?

6 Q So you're saying that this document
7 doesn't reflect checks you received?

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8 A Because the rules you cannot get a
9 check of a thousand dollars, but more of that
10 you can't -- you can't -- they're not going to
11 cash it for you. How it's possible I get a check
12 for \$1,600? When the rules -- they don't cash
13 it for you. That's why I don't understand. And
14 I'm not lying from that.

15 Q So are you saying you never had to
16 cash -- you never had more than a thousand
17 dollars to cash in?

18 A No. They will not cash it for you.

19 Q So sometimes you did have more than a
20 thousand dollars that you tried to cash in?

21 A Maybe I had for two days because
22 sometimes you know I'm busy. I can't catch the
23 time from the -- to be cashed out, you know.
24 And I can't go you know or -- my cash for
25 30 minutes. And after that whatever is behind

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2 the line, you know, he said I don't have any
3 more checks. Tomorrow. But I would never cash
4 more than a thousand dollars. Thousand dollar
5 is a limit. I don't know what is going on on
6 those two.

7 Q Who is the he who wouldn't cash more
8 than a thousand --

9 A The guy who cashed the funny money.
10 He would say I don't have any more checks. Come
11 tomorrow.

12 Q Do you know his name?

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5 A No. Because I never had cash. Maybe
6 hundred dollars funny money or -- you know. I
7 would cash it. I will say I need cash, you
8 know, at least, you know, something. Okay. But
9 not very often.

10 Q I'm not sure I understand your
11 answer. Are you saying that sometimes you could
12 exchange diamond dollars?

13 A Maybe one hundred funny money I will
14 exchange. Maybe once in three months.

15 Q You mean if you you needed the cash?

16 A Yes. I need it. I said at least,
17 you know, \$40, \$40 or a hundred dollars. Yes.

18 Q Now did you ever receive diamond
19 dollars that was expired?

20 A I do receive once.

21 Q Once you received it? Were you able
22 to cash it in?

23 A No.

24 Q I thought you said you were able
25 to --

□

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2 A Once yes, but once no, because once
3 was only one. I didn't even go. Maybe I would
4 but I didn't go often, because I didn't have
5 that patience you know to see please, and coming
6 in time, come a time, see him, go talk to a
7 manager, you know. It was too much of
8 aggressive for me. I was getting like tired,
9 you know, for \$20 funny money to talk to them.

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10 People going to be like oh, why you accept it.
11 You should see it but it's dark. You can't
12 really see it or somebody should just take the
13 money and --

14 Q You said too much what, harass?

15 MS. GREENE: Aggressive.

16 A I was getting -- I mean, I was tired.

17 MR. CAPOBIANCO: I still
18 haven't heard the word.

19 MS. GREENE: Aggressive.

20 Q Too much aggressive?

21 A Yeah, because if you go after that --
22 I mean, I will say for \$20 was a lot work for
23 me. Talk to him, talk to the manager. Go to
24 Guiseppe, go to Lenny say, you know, it's okay.
25 I mean, it was too much. It was not -- for a

□

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2 lot of work I had to do it was not worth it.

3 Q So on two occasions you accepted \$20
4 diamond dollars that were expired?

5 A No. Once I had about a hundred
6 dollars. And 50 percent of that 50-50. The
7 second time I had only one dance and I did and
8 it was expired. I just didn't even go after
9 that.

10 Q So that was one \$20 bill?

11 A Yes.

12 Q Now, did you -- could you check the
13 diamond dollar when you received it to see if it
14 was expired?

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15 A I mean, I could but sometimes it's
16 very dark and you can't tell by the colors and
17 you know -- like I'm not, you know, go to the
18 light and --

19 Q Well don't they look different?
20 Don't they change the way they look when they
21 print the new money?

22 A When inside the club and it's dark
23 you know the colors -- the lights changing. You
24 can't really -- because sometimes it's similar.
25 Depends how they print it.

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2 Q Now, was it up to you to decide
3 whether or not you wanted to dance on the stage
4 or not?

5 A No.

6 MS. GREENE: Objection.

7 Q It wasn't up to you?

8 A No.

9 Q Who was it up to?

10 A I had to. What I told you in the
11 beginning if I didn't have to go on the stage
12 managers -- the house mom told me it was -- if
13 you don't want to go to the stage you have to
14 pay \$100. If you go to the stage you pay 40.

15 Q All right. But it was up to you to
16 decide whether or not you wanted to go on the
17 stage and dance on the stage or not dance on the
18 stage?

19 A Yes, but I had to go because if I

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14 stage. You have to go. And I'm like explaining
15 like why it have to be me.

16 Q You said that to whom?

17 A To the house mom, to the manager, to
18 the DJ, two or three of them.

19 Q All three of them you said why does
20 it have to be me?

21 A Yes.

22 Q what did they say?

23 A I'm sorry. It's all you.

24 Q It's all you?

25 A Yes. All you to come to the stage.

□

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2 Just you. Stage is yours now. You know, had
3 to.

4 Q Now, do you know -- did you know any
5 of the bartenders when you worked there?

6 A I know by face, but not by names.

7 Q Did you ever discuss how the diamond
8 dollars worked for the bartenders?

9 A No.

10 Q No. So do you know if they ever even
11 received diamond dollars, the bartenders?

12 A No.

13 Q What about the cocktail waitresses?
14 Do you know if they received diamond dollars?

15 A I don't know.

16 Q And do you know if they did receive
17 diamond dollars how it worked for them?

18 A I don't know.

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2 A I don't remember.

3 Q And the house mom was Lisa?

4 A Both. Yes both of -- I mean, yes.

5 Both of those.

6 Q Lisa and who?

7 A Lisa and Gina.

8 Q And they both told you this?

9 A Yes.

10 Q Now, did you want to dance closer
11 than six inches to the customer?

12 A No.

13 Q Did you know why they were telling
14 you not to dance closer than six inches to the
15 customer?

16 A I don't know.

17 Q Did you ever get in trouble for
18 dancing too close to a customer?

19 A No.

20 Q No one ever said anything to you
21 about it?

22 A No.

23 Q All right. I'd like to have this
24 marked as Vikki Exhibit 11.

25 (^ Plaintiff's ^ Plaintiffs' ^

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2 Defendant's^ Defendants' Exhibit #,
3 description, was marked for
4 identification, as of this date.)

5 Q Ms. Vikki have you ever seen this
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6 document before that is marked as Vikki
7 Exhibit 11?

8 A I believe yes, but I never -- I never
9 you know read all. It was given to us the time
10 we working. You know. And it was not like I
11 take it home and read it over there. Like I do
12 you understand you know all of the questions
13 what we signed up.

14 Q So you signed it without reading it?

15 A Prob -- yeah.

16 Q Can we turn to the last page? Is
17 this your signature on this document?

18 A Yes it is.

19 Q Okay. When did you sign this?

20 A I don't -- I don't remember when I
21 signed this. Exact date. I don't remember.

22 Q Well it's dated January 17th, 2008?

23 A I never worked on January 7th, 2008.

24 Q Right. Is this your signature?

25 A It is my signature but the date is

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2 not correct.

3 Q The date is incorrect?

4 A I never went in January 17th, 2008
5 over there. How that date?

6 Q Well, let me ask you. Look at
7 paragraph one here. It says I worked at Scores
8 East location and west location from
9 approximately March 2003. Is that when you
10 started working, in March 2003, or did you start

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11 in 2004?

12 A I started there the west -- I mean I
13 don't the west side just opened up. Probably
14 was one, two or three months after the west side
15 opened. That's when I started over there. I
16 don't remember exactly the date. And that's
17 what I said. I start after couple of months the
18 west side opened. I don't remember.

19 Q You worked -- you started a couple of
20 months after the west side opened up?

21 A Yes.

22 Q So you didn't work at the east side
23 first?

24 A No. West side.

25 Q So the west side was new at the time

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1 Warning:Draft Copy

2 you worked there?

3 A Yes.

4 Q You don't know whether it was 2003 or
5 2004?

6 A I don't remember.

7 Q Okay. Now if you look at paragraph
8 five down here, it says that you had to pay a
9 house fee for every shift, and that the house
10 fee ranged from \$40 to \$180.

11 A \$40 probably was a DJ. I don't
12 remember.

13 Q If you turn to Paragraph nine?

14 A Yes.

15 Q It says here during my employment at
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16 Scores I estimate that I received approximately
17 75 percent of my tips in diamond dollars. Is
18 that true?

19 A I don't remember but I -- I don't
20 know.

21 Q You don't know if it's true?

22 A I don't know if it's true.

23 Q Okay. Let's look at Number 12. It
24 says here Scores policy and practices with
25 respect to diamond dollars applied to all

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2 workers who received diamond dollars as tips
3 including all dancers, servers, cocktail servers
4 and bartenders.

5 A What you mean by that?

6 Q Well, when I asked you before if you
7 knew if the bartenders or cocktail waitresses
8 received diamond dollars. You said you didn't
9 know. Is that right?

10 A Yes. I don't know.

11 Q So the truth is you don't really know
12 if Scores' policy for the bartenders and the
13 cocktail servers are the same?

14 A I don't know. Could be but I don't
15 know. I can't say yes. I can't say. I don't
16 know.

17 MR. CAPOBIANCO: I'd like to
18 have this marked as Vikki exhibit 12.

19 (^ Plaintiff's ^ Plaintiffs' ^
20 Defendant's ^ Defendants' Exhibit #,
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21 description, was marked for

22 identification, as of this date.)

23 Q Ms. Vikki can we put this aside for a
24 second, this Exhibit 12? I want to just go back
25 to Exhibit 11 for a second.

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2 A Sure.

3 Q Do you know who prepared this
4 document?

5 A No.

6 Q Now before you signed it, did you see
7 a copy of this document?

8 A No.

9 Q Do you know where you signed this
10 document?

11 A Where I signed this? I signed this
12 in the dressing room and I went out.

13 Q You signed it in the dressing room?

14 A Yes.

15 Q So did you decide what would be put
16 into this document?

17 A What you mean by that?

18 Q Did you decide what would be written
19 here?

20 A I didn't even read that. That was --
21 you had to sign and I just signed it.

22 Q Do you know if anyone else in the
23 club had to pay house fees besides you?

24 A About what?

25 Q Excuse me?